

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

943 WRIT PETITION NO.8398 OF 2019

PRATIBHA PRAVIN SAPKALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. U.S.Patil, Advocate for Petitioners.
Mr. P.S.Patil, AGP for Respondents-State.
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**CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 10th July, 2019

PER COURT :-

1. The learned AGP accepts notice for Respondent Nos.1 to 4. Mr. Patil, the learned counsel submits that the petitioners have been disqualified on the ground that validity certificate is not submitted within one year. The validation proceedings are pending with the Committee. It is for the Committee to decide the validation proceedings. For the fault of the Committee, who is not deciding the validation proceedings, the petitioners cannot be penalized. According to the learned counsel, the order disqualifying the petitioners is illegal.

2. The disqualification upon non-submission of validity certificate within one year as per the ordinance is axiomatic. The petitioners were elected in the year December-2017. Upon non-submission of validity, the petitioners stand disqualified. As such, the order of the Collector needs no interference.

3. The Committee shall endeavour to decide the validation proceedings in respect of the Tribe Claim of the petitioners expeditiously, preferably within a period of six months from the date of appearance of the petitioners. The petitioners shall appear before the Committee on 23.07.2019.

4. The Writ Petition is disposed of. No costs.

(MANGESH S. PATIL, J.) (S.V. GANGAPURWALA, J.)

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vmk/-